

WEDNESDAY, MAY 9, 2001

THIRTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Mrs. Dorothy Davis, Ashland City, Tennessee.

Representative Williams led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Hood; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 79:** Rep(s). Mumpower as prime sponsor(s).

**House Joint Resolution No. 324:** Rep(s). Williams as prime sponsor(s).

**House Bill No. 1576:** Rep(s). Mumpower as prime sponsor(s).

**House Bill No. 1691:** Rep(s). Winningham, Maddox and Turner (Hamilton) as prime sponsor(s).

**MESSAGE FROM THE SENATE  
May 8, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 290, 315, 343, 374, 474, 686, 1404, 1527, 1724, 1763; also, Senate Joint Resolution(s) No(s). 220, 221, 223, 224, 225, 226, 227, 228 and 230 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED  
May 8, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 290, 315, 343, 374, 474, 686, 1404, 1527, 1724, 1763; also, Senate Joint Resolution(s) No(s). 220, 221, 223, 224, 225, 226, 227, 228 and 230.

**ENROLLED BILLS  
May 8, 2001**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 577, 903, 1040, 1301, 1412, 1704, 1922, also, House Joint Resolution(s) No(s). 309, 310, 311 and 340.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 8, 2001**

The Speaker signed the following: House Bill(s) No(s). 577, 903, 1040, 1301, 1412, 1704, 1922; also, House Joint Resolution(s) No(s). 309, 310, 311 and 340.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
May 8, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 577, 903, 1040, 1301, 1412, 1704, 1922; also, House Joint Resolution(s) No(s). 309, 310, 311 and 340; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**May 8, 2001**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 577, 903, 1040, 1301, 1412, 1704, 1922; also, House Joint Resolution(s) No(s). 309, 310, 311 and 340.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**May 8, 2001**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 357.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 255; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 255** -- Memorials, Academic Achievement - Eric Beaty, by \*Graves, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Rep. Bowers was recognized in the Well to introduce Dr. David Davis and other stroke survivors for remarks.

**RULES SUSPENDED**

Rep. Bowers moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 324 out of order, which motion prevailed.

**House Joint Resolution No. 324** -- Naming and Designating - Stroke Awareness Month, May 2001. by \*Bowers, \*Pruitt, \*Shaw, \*Turner (Shelby), \*Brooks, \*Miller L, \*Jones U (Shelby).

On motion, the rules were suspended for the immediate consideration of the resolution.

## WEDNESDAY, MAY 9, 2001 – THIRTY-SIXTH LEGISLATIVE DAY

On motion of Rep. Bowers, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes .....98  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 10, 2001:

**House Resolution No. 81** -- Memorials, Recognition - Bettie Irene Fields. by \*Rowland.

**House Resolution No. 82** -- Memorials, Recognition - Richland Elementary School, "Buds to Blossoms". by \*Stanley.

**House Joint Resolution No. 335** -- Memorials, Public Service - Public power systems providing electric power service to residents of Tennessee. by \*McDonald, \*Arriola, \*Williams (Williamson), \*Bone, \*West, \*Newton.

**House Joint Resolution No. 345** -- Naming and Designating - May, 2001, Stroke Awareness Month. by \*Hargrove.

**House Joint Resolution No. 359** -- Memorials, Sports - Booker T. Washington High School, 2000-01 TSSAA Class AA Basketball Champions. by \*Miller L.

**House Joint Resolution No. 360** -- Memorials, Professional Achievement - Carl P. Mayfield, 2001 Academy of Country Music Air Personality of the Year. by \*Hood.

**House Joint Resolution No. 361** -- Memorials, Death - James E. "Droopy" Edwards. by \*Hood.

**House Joint Resolution No. 362** -- Memorials, Academic Achievement - Meredith McFarland, Salutatorian, Bartlett High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 363** -- Memorials, Academic Achievement - Jennifer Elia, Valedictorian, Bartlett High School. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 364** -- Memorials, Personal Achievement - Christopher Rankin, Eagle Scout. by \*McCord, \*Overbey.

**House Joint Resolution No. 365** -- Memorials, Academic Achievement - Jessica Garrett, Salutatorian, Heritage High School. by \*Overbey, \*McCord.

**House Joint Resolution No. 366** -- Memorials, Academic Achievement - Anna Marie Ruckgaber, 3rd place in Humanities Tennessee Letters about Literature Contest. by \*McKee.

**House Joint Resolution No. 367** -- Memorials, Personal Occasion - James L. Exum, 60th birthday. by \*Kisber, \*McDaniel, \*Naifeh.

**House Joint Resolution No. 368** -- Memorials, Death - Horace Oliver Porter of Columbia. by \*Sands.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 10, 2001:

**Senate Joint Resolution No. 255** -- Memorials, Academic Achievement - Eric Beaty. by \*Graves, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

### **RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 60** -- General Assembly, Directed Studies - Creates special joint committee to study election laws and effect of automation on electoral process. by \*Rochelle.

House State and Local Government Committee

**\*Senate Joint Resolution No. 155** -- Memorials, Government Officials - Urges state insurance committee to make available long-term care insurance as voluntary group plan for state employees and retirees on or before January 1, 2002. by \*Rochelle, \*Elsea, \*Atchley, \*Wilder, \*Jackson, \*Crutchfield, \*Henry, \*Trail, \*Crowe, \*Dixon, \*Davis L, \*Haynes, \*Haun, \*Carter, \*Person, \*Miller J, \*Burchett, \*Fowler, \*McNally, \*Blackburn, \*Ramsey, \*Harper, \*Graves, \*Cooper J, \*Williams, \*Clabough, \*Herron, \*Burks, \*Ford J, \*Cohen, \*Kurita, \*Kyle, \*Norris.

House Finance, Ways and Means Committee

### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2008** -- Newbern - Subject to local approval, revises election dates and terms for mayor and aldermen. Amends Chapter 450 of the Acts of 1901; as amended. by \*Cole (Dyer).

**House Bill No. 2009** -- Pulaski - Subject to local approval, amends city charter relative to compensation of aldermen. Amends Chapter 711 of the Private Acts of 1949; as amended. by \*Fowlkes.

**House Bill No. 2010** -- Dickson County - Subject to local approval, creates Water Authority of Dickson County to replace Dickson County Water Authority; establishes membership of water authority board of commissioners. Amends Chapter 124 of the Private Acts of 1990. by \*Shepard.

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 41** -- Sunset Laws - Commission of Indian affairs, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 34. by \*Harper. (HB1617 by \*Kernell, \*Cooper B)

**\*Senate Bill No. 369** -- Hospitals and Health Care Facilities - Deletes July 1, 2001, expiration of restrictions on commissioner of health's authority to impose violation, citation, deficiency, or civil penalty on nursing home for conditions found during nursing home survey that relate to medically necessary physician's order. Amends TCA Section 68-11-210. by \*Cooper J. (HB1189 by \*Ferguson)

**\*Senate Bill No. 732** -- Juvenile Offenders - Rewrites "Tennessee Teen Court Program of 2000." Amends TCA Section 8-42-101; Title 37, Chapter 1, Part 7 and Section 39-17-1505. by \*Graves. (HB830 by \*Fowlkes)

**\*Senate Bill No. 817** -- Employees, Employers - Authorizes police department employee to request monthly payroll deduction for membership dues in employee association; requires political subdivision to comply with request if 10 percent of all employees belong to association. Amends TCA Title 7, Chapter 51, Part 2. by \*Davis L. (HB1036 by \*Kent, \*West)

**\*Senate Bill No. 1110** -- Consumer Protection - Expands consumer actions and definition of "consumer" to include out-of-state consumers if violator located in whole or in part in state; moneys awarded to consumer in state action are set off in any private action. Amends TCA Title 47, Chapter 18. by \*Herron. (HB1757 by \*Sands, \*Ridgeway, \*Pinion)

**Senate Bill No. 1173** -- Education - Provides for detailed report on reading programs in Tennessee by state board of education, state department of education, and THEC. Amends TCA Title 49, Chapter 1, Part 9. by \*Crutchfield. (\*HB716 by \*Turner (Hamilton))

## WEDNESDAY, MAY 9, 2001 – THIRTY-SIXTH LEGISLATIVE DAY

**\*Senate Bill No. 1461** -- Safety, Dept. of - Requires department to conduct promotional campaign regarding used oil collection act. Amends TCA Title 54 and Title 55, by \*Cohen. (HB1534 by \*Odom)

**\*Senate Bill No. 1487** -- Election Laws - Revises election law. Amends TCA Title 2, Chapter 19, Part 1; Section 2-2-107; Section 2-2-109; Section 2-2-116; Section 2-2-124; Section 2-3-107; Section 2-4-103; Section 2-4-109; Section 2-5-102; Section 2-5-204; Section 2-7-104; Section 2-7-133; Section 6-53-101; Section 8-8-102 and Section 49-2-504, by \*Rochelle. (HB1844 by \*Hargrove)

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**\*House Bill No. 2002** -- Unicoi County -- Local Bill Held on House Desk

**\*House Bill No. 2006** -- Taxes -- Local Bill Held on House Desk

**House Bill No. 2007** -- Chapel Hill -- Local Bill Held on House Desk

### REPORTS FROM STANDING COMMITTEES

The committees that met on **May 8, 2001**, reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 14, 2001**: House Bill(s) No(s). 867, 872 and 1991.

The Committee also set the following bill(s) on the **Regular Calendar** for **May 10, 2001**: House Bill(s) No(s). 1721, 1984, 912, House Joint Resolution(s) No(s). 121, 145, House Bill(s) No(s). 825, 581, 1242, 1896, 1633, 538, 1387 and 1413.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 14, 2001**: House Bill(s) No(s). 1456, 876, 1624, 1333, 1119, 1693 and House Joint Resolution(s) No(s). 180.

#### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1567, 1568, 289, 1363, 1775, 775, 981, 1169, 1531, 561, 774, 1411, 1672, 890, 1235, 1931, 1932, 1933, 1278, 1795, 147, 1492, 1891, House Joint Resolution(s) No(s). 158, 196, 298, also House Bill(s) No(s). 1395, 542, 1844, 1755, 1921 and House Joint Resolution(s) No(s). 209 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## GOVERNMENT OPERATIONS

The House Government Operations Committee recommended for passage: House Bill(s) No(s). 932, 980, 1616, also House Bill(s) No(s). 921, 922, 926 and 931 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 976 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## JUDICIARY

The House Judiciary Committee recommended for passage: House Bill(s) No(s). 1615, 1614, 1142, 1149, 901, 893, 331, 1204, also House Bill(s) No(s). 244, 443, 1676 and 333 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1403, 790, 768, 770, 1151, 1259, 140, 1368, 1404, 1720, 1312, 381; also House Bill(s) No(s). 1916, 779, 900, 1442, 1328, 1375, 649, 313, 736, 493, 241, 884, 306, 1081, 1095 and 1715 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## REPORTS FROM STANDING COMMITTEES

The committees that met on **May 9, 2001**, reported the following:

## JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1901, 1203, also House Bill(s) No(s). 1438, 1548, 1155 and 227 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1233, 305, 731, 312, 733; also House Bill(s) No(s). 762, 895, 69, 349, 1802, 1205, 1326, 830, 709, 1760, 301 and 1527 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## CAPTION BILLS REFERRED

**May 9, 2001**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 655 and 1273 held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 655** -- Taxes – House Finance, Ways and Means

**House Bill No. 1273** -- TennCare – House Finance, Ways and Means Committee

CONSENT CALENDAR

**House Resolution No. 79** -- Memorials, Recognition - Anderson Street United Methodist Church of Bristol. by \*Godsey.

**House Resolution No. 80** -- Memorials, Interns - Memorie Kristina White., by \*Brown, \*Winningham, \*Towns.

**House Joint Resolution No. 339** -- Memorials, Professional Achievement - Maggie Greene, Award of Recognition for Outstanding Teaching. by \*Cole (Carter).

**House Joint Resolution No. 341** -- Memorials, Death - James Larry "Doby" Sullivan. by \*West.

**House Joint Resolution No. 342** -- Memorials, Academic Achievement - Michelle Ziegler, Valedictorian, Antioch High School. by \*West.

**House Joint Resolution No. 343** -- Memorials, Sports - Alecia Ingram, Big 12 Conference's Newcomer of the Year and Gymnast of the Year. by \*Overbey, \*Cole (Dyer).

**House Joint Resolution No. 344** -- Memorials, Personal Occasion - Thelma Limbaugh, 100th birthday. by \*Fowlkes, \*Beavers.

**House Joint Resolution No. 346** -- Memorials, Academic Achievement - Benjamin B. Taylor, Salutatorian, William Blount High School. by \*Overbey, \*McCord.

**House Joint Resolution No. 347** -- Memorials, Academic Achievement - Jason Burton Johnson, Valedictorian, William Blount High School. by \*Overbey, \*McCord.

**House Joint Resolution No. 348** -- Memorials, Academic Achievement - Brian Matthew Hitchcock, Salutatorian, Alcoa High School. by \*Overbey, \*McCord.

**House Joint Resolution No. 349** -- Memorials, Death - Senator Raymond Shadden and his wife, Evelyn Shadden. by \*Walker, \*Curtiss, \*Rhinehart.

**House Joint Resolution No. 350** -- Memorials, Academic Achievement - Kristen Richardson, Valedictorian, Culleoka High School. by \*Sands.

**House Joint Resolution No. 351** -- Memorials, Academic Achievement - John Curtis Boyter, Valedictorian, Spring Hill High School. by \*Sands.

**House Joint Resolution No. 352** -- Memorials, Academic Achievement - Rebekah Ellen Ruppel, Valedictorian, Zion Christian Academy. by \*Sands, \*White.

**House Joint Resolution No. 353** -- Memorials, Academic Achievement - Rebecca Beth Kincade, Valedictorian, Hampshire Unit School. by \*Sands, \*White.

**House Joint Resolution No. 354** -- Memorials, Academic Achievement - Rebecca Leigh Riddle, Valedictorian, Columbia Academy. by \*Sands.

**WEDNESDAY, MAY 9, 2001 – THIRTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 355** -- Memorials, Academic Achievement - Kaleb Monroe Kersey, Valedictorian, Mt. Pleasant High School. by \*Sands.

**House Joint Resolution No. 356** -- Memorials, Academic Achievement - Jason Colt Beard, Valedictorian, Santa Fe High School. by \*Sands.

**House Joint Resolution No. 357** -- Memorials, Academic Achievement - Sharon Thackston, Valedictorian, Columbia Central High School. by \*Sands.

**House Joint Resolution No. 358** -- Memorials, Retirement - Susie M. Davis-Jefferson. by \*DeBerry L.

**Senate Joint Resolution No. 251** -- Memorials, Personal Occasion - Arthur Lee and Nellie Mae Rankin, 60th wedding anniversary. by \*Fowler, \*Person.

Rep. Walker moved that all members voting aye on House Joint Resolution No. 349 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

**House Bill No. 1999** -- Kenton - Pursuant to local request, authorizes board of Kenton Special School district to levy tax, issue bonds, and construct, equip and operate school in city of Kenton. Amends TCA Chapter 84 of the Private Acts of 1947. by \*Phelan, \*Pinion. (SB1964 by \*Carter)

Further consideration of House Bill No. 1999 previously considered on April 30, 2001, May 3, 2001 and May 7, 2001, at which time it was reset for today's Calendar.

Rep. Phelan moved that **House Bill No. 1999** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....96  
Noes .....1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Davidson) -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 409** -- Courts, General Sessions - Directs administrative office of courts, in consultation with general sessions judges conference, court clerks' association, and sheriffs' association, to devise and promulgate uniform general sessions civil warrant. Amends TCA Title 16, Chapter 15. by \*Bunch. (SB1418 by \*Person)

Rep. Bunch moved that House Bill No. 409 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 409 by deleting the first sentence of subsection (b) of the amendatory language of SECTION 1 and substituting instead the following:

**WEDNESDAY, MAY 9, 2001 – THIRTY-SIXTH LEGISLATIVE DAY**

The administrative office of the courts, in consultation with the general sessions judges conference, Tennessee bar association, court clerks' association, Tennessee trial lawyers' association and the sheriffs' association, shall by October 1, 2001, design and promulgate a uniform general sessions civil warrant.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Bunch moved that **House Bill No. 409**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....98  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 729** -- Motor Vehicles, Titling and Registration - Exempts "restored display vehicle" from titling and registration provisions. Amends TCA Title 55, Chapters 1 through 6. by \*Clem. (\*SB842 by \*Williams)

Rep. Clem moved that House Bill No. 729 be reset for the Regular Calendar on May 16, 2001, which motion prevailed.

**House Bill No. 1691** -- Day Care - Prohibits state from terminating child care broker contracts or grants with certain entities; establishes conflict of interest requirements for such broker services. Amends TCA Title 71. by \*Fitzhugh. (\*SB1531 by \*Haun)

Rep. Fitzhugh requested that House Bill No. 1691 be moved to the heel of the Calendar.

**House Bill No. 1126** -- Purchasing - Clarifies that exception to rule that commissioner must certify source of purchase goods applies to rules promulgated under general law provision authorizing such purchases without certification as well as to the specific general law provision; clarifies that rules must be promulgated in accordance with UAPA. Amends TCA Title 12. by \*Head. (\*SB893 by \*Atchley)

Rep. Head moved that House Bill No. 1126 be reset for the Regular Calendar on May 17, 2001, which motion prevailed.

**\*House Bill No. 295** -- Taxes - Authorizes counties to impose local option realty transfer tax. Amends TCA Title 67, Chapter 4, Part 5. by \*Head, \*Fitzhugh. (SB1235 by \*Cooper J)

Rep. Head moved that House Bill No. 295 be reset for the Regular Calendar on May 17, 2001, which motion prevailed.

**\*House Bill No. 70** -- Bad Checks - Increases fee for participation in bad check restitution program from \$10.00 to \$15.00. Amends TCA Title 40. by \*Jones U (Shelby), \*Odom. (SB699 by \*Ford J)

Rep. U. Jones moved that House Bill No. 70 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 70 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-1-111(a)(1)(A), is amended by deleting the language "or a population of over seven hundred thousand (700,000)" and by inserting the language ", and the chief legislative body of any county having a population of over seven hundred thousand (700,000) according to the 1970 federal census or any subsequent federal census may initially appoint;" between the words "may appoint" and the language "one (1) or more judicial commissioners".

SECTION 2. Tennessee Code Annotated, Section 40-1-111(a)(1)(B), is amended by deleting the sub-division in its entirety and by substituting instead the following language:

(i) This sub-item applies to any county having a population of less than two hundred thousand (200,000) or a population of not less than two hundred seventy-six thousand (276,000) nor more than two hundred seventy-seven thousand (277,000), according to the 1970 federal census or any subsequent federal census. The term or terms of the officers shall be established by the chief legislative body of the appropriate county to which this sub-item applies but shall not exceed a four-year term. No member of the county legislative body of any such county shall be eligible for appointment as a judicial commissioner. Notwithstanding the provisions of this subdivision to the contrary, the presiding general sessions criminal judge of a county to which this sub-item applies may appoint a temporary, or part-time, judicial commissioner to serve at the pleasure of the presiding judge in case of absence, emergency or other need. The legislative body of any such county to which this sub-item applies, in appointing, evaluating and making decisions relative to retention and reappointment shall take into consideration views, comments and suggestions of the judges of the courts in which the judicial commissioners are appointed to serve.

(ii) Any subsequent term of a judicial commissioner initially appointed by the chief legislative body of any county having a population of over seven hundred thousand (700,000), according to the 1970 federal census or any subsequent federal census, shall be by the general sessions judges of such county. The term or terms of the officers shall be established by the general sessions criminal court judges of such county but shall not exceed a four-year term. No member of the county legislative body of such county shall be eligible for appointment as a judicial commissioner. Notwithstanding the provisions of this subdivision to the contrary, the presiding general sessions criminal court judge of such county may appoint a temporary, or part-time, judicial commissioner to serve at the pleasure of the presiding judge in case of absence, emergency or other need. The general sessions judges of such county, in appointing, evaluating and making decisions relative to retention and reappointment shall take into consideration views, comments and suggestions of the judges of the courts in which the judicial commissioners are appointed to serve.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. U. Jones moved that **House Bill No. 70**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Towns -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 525** -- Attorneys at Law - Defines "guardian ad litem" as person licensed to practice law in Tennessee; permits appointment of lay guardian ad litem for certain roles in certain proceeding related to minor; expands definition of "CASA worker" to include other training, education and experience. Amends TCA Title 36 and Title 37. by \*Chumney, \*Bunch. (SB1419 by \*Person)

Rep. Chumney requested that House Bill No. 525 be moved to the heel of the Calendar.

**House Bill No. 526** -- Child Custody and Support - Permits any grandparent to petition for visitation; court must determine danger of substantial harm to child and, if such danger is present, determine whether such visitation is in best interests of child. Amends TCA Title 36, Chapter 6, Part 3. by \*Chumney, \*Patton, \*Garrett, \*Boyer. (\*SB397 by \*Haynes)

Further consideration of House Bill No. 526 previously considered on May 7, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Chumney moved that House Bill No. 526 be reset for the Regular Calendar on May 16, 2001, which motion prevailed.

**House Bill No. 1189** -- Hospitals and Health Care Facilities - Deletes July 1, 2001, expiration of restrictions on commissioner of health's authority to impose violation, citation, deficiency, or civil penalty on nursing home for conditions found during nursing home survey that relate to medically necessary physician's order. Amends TCA Section 68-11-210. by \*Ferguson. (\*SB369 by \*Cooper J)

Further consideration of House Bill No. 1189 previously considered on May 7, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 1189 was made to conform with **Senate Bill No. 369**; the Senate Bill was substituted for the House Bill.

**WEDNESDAY, MAY 9, 2001 – THIRTY-SIXTH LEGISLATIVE DAY**

Rep. Ferguson moved that Senate Bill No. 369 be passed on third and final consideration.

Rep. Miller moved the previous question, which motion prevailed.

Rep. Ferguson moved that **Senate Bill No. 369** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

**Senate Bill No. 187** -- Liens - Gives marinas same enforcement of lien on vessels or personal watercraft as garagekeepers have on vehicles in their possession. Amends TCA Title 66, Chapter 19, Part 2. by \*Burchett, \*Ramsey, \*Crowe, \*Williams, \*Davis L, \*Person. (\*HB198 by \*Bittle, \*Curtiss)

Further consideration of Senate Bill No. 187 previously considered on May 7, 2001, at which time the Senate Bill was substituted for the House Bill, the House withdrew Amendment(s) No(s). 1 and was on the motion to adopt Amendment(s) No(s). 2 when the bill was reset for today's Calendar.

Rep. Bittle moved that Senate Bill No. 187 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

Rep. Bittle moved that **Senate Bill No. 187** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1691** -- Day Care - Prohibits state from terminating child care broker contracts or grants with certain entities; establishes conflict of interest requirements for such broker services. Amends TCA Title 71. by \*Fitzhugh. (\*SB1531 by \*Haun)

Further consideration of House Bill No. 1691 previously considered on today's Calendar.

Rep. Fitzhugh moved that House Bill No. 1691 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1691 by deleting the amendatory language of subsections (a) and (b) of Section 1 and by substituting instead the following:

(a)(1) On and after July 1, 2001, the department of human services shall implement a system of child care brokers across the state in which the department contracts with or enters into grants with public entities, not-for-profit entities, or for-profit entities in such regions across the state as the commissioner may determine in response to a request for proposal issued by the department. The department may not use department of human services employees for delivering such broker services. The department shall maintain such a system of brokers through grants or contracts so long as funds are available for such purpose.

(2) The department of human services may not terminate until December 31, 2003, any contract or grant for a child care broker services performed by a nonprofit agency or public entity in effect on January 1, 2001, unless:

(1) Such agency or entity fails to perform contract or grant obligations in a timely or proper manner;

(2) Such agency or entity violates any terms of the contract or grant;

(3) Such agency or entity is ineligible for employment on public contracts pursuant to the provisions of title 12, chapter 4; or

(4) Funding for such child care broker services ceases to exist.

(b)(1) No person, nonprofit agency or public entity (including the staff, corporate officers and board members of any such agency or entity) may be awarded a contract or grant to perform child care broker services, if such person, agency or entity (or its staff, corporate officers or board members) has an interest in a child care agency. The provisions of this subdivision shall not apply to any nonprofit agency or public entity receiving state funding for other related child care services.

(2) Nothing in this section shall prohibit a Head Start grantee that also acts as a child care broker from issuing certificates to any Head Start program for the purpose of providing wrap-around child care services.

(3) In cases of hardship in which a nonprofit agency or public entity is the sole provider of child care center services in a city, county or other defined geographic area, the commissioner of human services may, on a year-to year basis, waive the restrictions otherwise imposed by this subsection.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Chumney moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1691 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. . Tennessee Code Annotated, Title 71, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) No person or entity, including the staff, corporate officers and board members of such entity, may be awarded a contract or grant to perform child care broker services, if such person or entity, or its staff, corporate officers or board members has any interest in a child care agency.

(b)(1) "Child care agency," for purposes of this section, means a "child care agency" as such term is defined in Section 71-3-501.

(2) "Interest in a child care agency," for purposes of the section, includes, but is not limited to:

(1) ownership, management or operational responsibility for a child care agency;

(2) any contract, agreement or lease for property in which a child care agency is located;

(3) any contract or agreement to provide goods, services, staff or consultation to a child care agency;

(4) any maker, co-maker, or endorser status for a loan related to a child care agency; or

(5) any interest in a child care agency under this subdivision of a spouse, child, sibling, parent, grandparent or grandchild.

SECTION 2. This act shall apply to all contracts or grants made, issued or renewed on or after the effective date.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Fitzhugh moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes .....	46
Noes .....	45

Representatives voting aye were: Armstrong, Arriola, Bone, Brooks, Cole (Dyer), Curtiss, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Hargrove, Head, Johnson, Jones S, Jones U, Kisber, Maddox, McCord, McKee, McMillan, Miller, Mumpower, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Shaw, Shepard, Tindell, Towns, Turner (Hamilton), Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 46.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cooper, Davidson, Davis (Washington), DeBerry J, Dunn, Godsey, Goins, Hagood, Hargett, Harwell, Kent, Kernell, Langster, Lewis, McDaniel, Montgomery, Odom, Overbey, Pleasant, Rowland, Sargent, Scroggs, Sharp, Stanley, Tidwell, Todd, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Wood -- 45.

Rep. Chumney moved adoption of Amendment No. 3 as follows:

### **Amendment No. 3**

AMEND House Bill No. 1691 As amended by House Health & Human Resources Committee Amendment 1 [HA 320], by deleting the amendatory language of subsection (a) of Section 1 and by substituting instead the following:

(a) On and after July 1, 2001, the department of human services may implement a system of child care brokers across the state in which the department contracts with or enters into grants with public entities, not-for-profit entities, or for-profit entities in such regions across the state as the commissioner may determine in response to a request for proposal issued by the department.

Rep. Fitzhugh moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes .....	53
Noes .....	42

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Buck, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Johnson, Jones S, Jones U, Kisber, Langster, Maddox, McDonald, McMillan, Miller, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Shaw, Shepard, Tindell, Towns, Turner (Hamilton), Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Brown, Bunch, Buttry, Caldwell, Chumney, Clem, Cooper, Davis (Washington), Dunn, Godsey, Goins, Hagood, Hargett, Harwell, Kent, Kernell, Lewis, McCord, McDaniel, Montgomery, Mumpower, Odom, Overbey, Pleasant, Rowland, Sargent, Scroggs, Sharp, Stanley, Tidwell, Todd, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Wood -- 42.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes .....	56
Noes .....	31
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kisber, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Scroggs, Shaw, Shepard, Tindell, Towns, Vincent, West, Westmoreland, White, Whitson, Williams, Windle, Wood -- 56.

Representatives voting no were: Baird, Beavers, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Clem, Cooper, DeBerry J, DeBerry L, Dunn, Goins, Hagood, Hargett, McCord, Montgomery, Odom, Overbey, Pleasant, Rowland, Sargent, Sharp, Stanley, Tidwell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker -- 31.

Representatives present and not voting were: Kernell -- 1.

After further debate, Rep. Givens moved the previous question, which motion prevailed.

Rep. Fitzhugh moved that **House Bill No. 1691**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....57  
Noes .....39

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Buck, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Johnson, Jones S, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Clem, Davis (Washington), DeBerry L, Dunn, Godsey, Goins, Hagood, Hargett, Harwell, Kent, Kernell, McCord, McDaniel, Montgomery, Mumpower, Odom, Overbey, Pleasant, Rowland, Sargent, Scroggs, Sharp, Stanley, Todd, Turner (Shelby), Turner (Davidson), Vincent, Wood -- 39.

A motion to reconsider was tabled.

**\*House Bill No. 525** -- Attorneys at Law - Defines "guardian ad litem" as person licensed to practice law in Tennessee; permits appointment of lay guardian ad litem for certain roles in certain proceeding related to minor; expands definition of "CASA worker" to include other training, education and experience. Amends TCA Title 36 and Title 37. by \*Chumney, \*Bunch. (SB1419 by \*Person)

Further consideration of House Bill No. 525 previously considered on today's Calendar.

Rep. Chumney moved that House Bill No. 525 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 525 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-102, is amended by adding the following new subdivision to be designated as follows and by renumbering subsequent subdivisions appropriately:

(40) "Qualified Specialist" means an individual appointed by the court to perform fact finding and similar functions including assisting litigants and acting in the best interest of a child who is the subject of a proceeding and shall be a person who is qualified for such role by licensing, education, training or experience, which should include one or more areas such as family relations, mental health or child development, as needed in the individual case. Where possible, preference should be given to appointing a person who is licensed or certified in such appropriate discipline. A "Qualified Specialist" may be, but does not have to be, a lawyer licensed to practice law in Tennessee.

SECTION 2. Tennessee Code Annotated, Section 36-1-132, is amended by deleting the words "guardian ad litem" from the title and substituting therefore the words "lawyer and qualified specialist." Tennessee Code Annotated, Section 36-4-132, is further amended by deleting the language of the section in its entirety and substituting therefore the following:

(a) In an action for dissolution of marriage involving minor children, upon its own motion or upon motion of either party, the court may appoint a lawyer for any minor child of the marriage.

(b) The court may also, upon its own motion or upon motion of either party, appoint a qualified specialist as defined in Tennessee Code Annotated, Section 36-1-102(40) to perform fact finding, who shall make such reports and recommendations pertaining to the welfare of the child as the court may order or direct.

(c) The reasonable fees or costs of the lawyer and the qualified specialist shall be born by the parties and may be assessed by the court as it deems equitable. Such fees or costs may be waived upon motion for an indigent person.

(d) Any lawyer or qualified specialist appointed by the court pursuant to this section shall be presumed to be acting in good faith and in so doing shall be immune from any liability that might otherwise be incurred while acting within the scope of such appointment. Such immunity shall apply in all proceedings in which such person or persons shall act.

SECTION 3. Tennessee Code Annotated, Section 36-6-407, is amended by deleting the language "guardian ad litem" in subsection (a)(3) before the words "if one" and substituting therefore the language "lawyer appointed for the child under Tennessee Code Annotated, Section 36-4-132".

SECTION 4. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 525**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	1
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Brooks -- 1.

Representatives present and not voting were: Rhinehart -- 1.

A motion to reconsider was tabled.

## MESSAGE CALENDAR

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 784** -- Insurance Companies, Agents, Brokers, Policies - Requires insurers to provide policyholder with written statement setting forth certain rights each time such policyholder files property and casualty claim. Amends TCA Title 56. by \*Briley. (\*SB262 by \*Harper, \*Cohen)

### Senate Amendment No. 1

AMEND House Bill No. 784 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. At any time a policy holder files a property claim under a personal lines fire or homeowners insurance policy for structural damage with an estimated value at or above twenty thousand dollars (\$20,000), the insurer shall provide the policy holder with a written statement setting forth certain basic rights to which the policyholder is entitled under their policy.

SECTION 2. At a minimum, the written statement required by Section 1 shall advise policyholders of their rights to:

(a) Receive quality repair work to restore the damages to their property;

(b) Have the repairs made by a contractor of their choice understanding that the contractor is hired by the policyholder and that this contractor does not work for or at the direction of the insurance company;

(c) Receive a copy of the insurance policy free of charge upon request;

(d) Be informed of the need to file a proof of loss, if required;

(e) Receive the name, phone number, and address of the claim representative handling the loss;

(f) Receive a detailed estimate of the scope of damage and costs of repairs. Should the contractor selected by the policyholder have questions concerning the insurance company's estimate, the policyholder or their contractor should contact their claim representative directly;

(g) File supplemental claims as the need arises;

(h) File a complaint with the Department of Commerce and Insurance by calling the Policyholder Service Section at 1-800-342-4029 if the policyholder is unable to work out an agreement after speaking with their claim representative, agent, and the company.

SECTION 3. The written statement required by this act shall also inform the policyholder that the requirements of this act do not amend or replace any part of the policyholder's insurance policy and that the policyholder should carefully read and examine their insurance policy including all policy coverages, conditions, exclusions and rights.

SECTION 4. Any insurer that fails to comply with the provisions of this act shall be subject to the unfair claims settlement practice provisions under Tennessee Code Annotated, Section 56-8-104(8).

SECTION 5. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. Briley moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 784**, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

### **HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1576** -- Insurance, Motor Vehicles - Requires automobile insurance as condition to vehicle registration. - TCA Title 55 and Title 56, by \*Rinks, \*Naifeh, \*Fitzhugh, \*Pinion, \*Patton, \*Phelan, \*Walker, \*McKee, \*Fraley, \*Ford S, \*Lewis, \*Ferguson, \*Kent, \*Cole (Carter), \*Boyer, \*McDaniel, \*Davis (Cocke), \*Whitson, \*DeBerry L, \*Johnson, \*Montgomery, \*Todd, \*Sargent, \*Roach, \*Shepard, \*Ridgeway, \*Turner (Hamilton), \*Bittle, \*Godsey, \*Bone, \*West, \*McDonald, \*Garrett, \*Dunn, \*Pleasant, \*Hood, \*Chumney, \*Scroggs, \*Baird, \*Davis (Washington), \*Buttry, \*Wood. (\*SB334 by \*Clabough, \*McNally, \*Cooper J, \*Clabough, \*Dixon, \*Carter, \*Crutchfield, \*Elease, \*Graves, \*Rochelle, \*Williams, \*Cohen, \*Haun, \*Person, \*Ramsey, \*Miller J, \*Trail, \*Crowe, \*Haynes, \*Burks, \*Herron, \*Fowler, \*Norris, \*Harper)

### **Senate Amendment No. 3**

AMEND House Bill No. 1576 by deleting from the amendatory Section 55-12-139(b) the language "chapter 50 and any other local ordinance regulating traffic, the officer shall request evidence of financial responsibility as required by this section." and by substituting instead the following language:

chapter 50; any other local ordinance regulating traffic; or at the time of an accident for which notice is required under Section 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Section 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

AND FURTHER AMEND by deleting the effective date section and by substituting instead the following new sections:

SECTION 9. Tennessee Code Annotated, Title 55, Chapter 12, Part 1, is amended by adding the following language as an appropriately designated new section:

Section 55-12-140.

(a) The record of conviction of an offense under Section 55-12-139(c), or a dismissal on grounds that evidence of financial responsibility did not exist at the time of the citation but was obtained prior to disposition by the court, shall be promptly transmitted to the department of safety. For any such conviction or dismissal occurring after July 1, 2003, the commissioner of safety shall not issue a renewal of registration for any vehicle for which evidence of financial responsibility is required under Section 55-12-139 until the person who was convicted of violating Section 55-12-139(c) furnishes proof of financial responsibility as defined in Section 55-12-139(b).

(b) This section shall not apply to any person who was in compliance with the Tennessee Financial Responsibility Law of 1977 at the time of the citation under Section 55-12-139(c) but was unable to produce evidence of compliance at the time of the citation. The court shall dismiss any such citation without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any provision of law to the contrary.

SECTION 10. Sections 1-8 of this act shall take effect January 1, 2002, the public welfare requiring it. Section 9 of this act shall take effect on July 1, 2003, the public welfare requiring it.

Rep. Rinks moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1576**, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 680** -- Anatomical Gifts - Redefines requirements for making, amending, revoking and refusing to make anatomical gifts. Amends TCA Title 68, Chapter 30. by \*Williams (Williamson), \*Garrett. (SB1361 by \*Jackson)

**Senate Amendment No. 2**

AMEND House Bill No. 680 by adding the following language to Section 2, § 68-30-115(b), as a new, appropriately numbered subdivision:

(4) The decedent leaves one or more minor children and subdivisions (a)(1) and (2) are not applicable; provided, however, the wishes of such minor children shall be ascertained and taken into account by the person making the request for donation (as described in § 68-30-110), before an anatomical gift may be made by a person listed in subdivisions (a)(3) through (6).

Rep. Williams moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 680**, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 137** -- Fireworks - Conforms present designation of Class C and Class B fireworks to current U. S. Department of Transportation designation as Fireworks 1.4G and 1.3G, accordingly. Amends TCA Title 67 and Title 68, Chapter 104. by \*Cooper J. (\*HB129 by \*Lewis, \*Hagood, \*Wood, \*Curtiss, \*Ferguson, \*Rhinehart, \*Bone)

Rep. Lewis moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 4 to **Senate Bill No. 137**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON SENATE BILL NO. 137**

Pursuant to **Rule No. 73**, Representative Lewis moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 137, which motion prevailed.

The Speaker appointed Representatives Lewis, Rhinehart and Hagood as the House members of the Conference Committee on Senate Bill No. 137.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 914** -- Securities - Revises Tennessee Securities Act. Amends TCA Title 48, Chapter 2. by \*Kisber. (\*SB1539 by \*Rochelle)

**Senate Amendment No. 1**

AMEND House Bill No. 914 by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-2-102, amended by adding the following language as a new numbered subdivision (1) and by renumbering the remaining subdivisions accordingly:

"Accredited investor" means accredited investor, as that term is defined in Rule 501 of Regulation D under the Securities Act of 1933 (17 C.F.R. § 230-501), as amended.

AND FURTHER AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 48-2-103(b), is amended by deleting subdivision (9) in its entirety and by substituting instead the following:

(9) Any transaction involving the issuance of a security:

In connection with a stock bonus plan requiring payment of no consideration other than services; or

In connection with a stock bonus, pension, profit sharing, savings, thrift, or retirement plan for employees or self-employed individuals qualified under § 401 of the Internal Revenue Code of 1954, as amended, or individual retirement accounts qualified under § 408 of the Internal Revenue Code of 1954, as amended; or

In connection with a transaction that meets the following requirements:

The offering meets the requirements of Rule 701 of the Securities Act of 1933 (17 C.F.R. § 230.701), as amended;

The offering is exempt from the provisions of § 5 of the Securities Act of 1933, as amended;

The issuer files with the commissioner no later than fifteen (15) days after the first sale in this state a notice of transaction, on a form adopted by the commissioner, accompanied by a consent to service of process, and a non-refundable filing fee of five hundred dollars (\$500); and

No commission, discount, or other remuneration is paid or given in connection with any transaction in this state under this subsection unless paid or given to a broker-dealer or agent registered under this part;

provided that the issuance of any such security representing an interest in a collective investment fund shall be exempt only if such security is issued pursuant to a plan established and administered by a bank organized under the laws of the United States or any bank or trust company organized and supervised under the laws of any state of the United States or sponsored by any investment company registered under the Investment Company Act of 1940, as amended, or sponsored by any insurance company licensed to do business in this state;

AND FURTHER AMEND by adding the following language to the amendatory Section 48-2-103(b)(14)(A) in Section 3 of the printed bill:

An issuer's belief under this subdivision shall be deemed reasonable if the issuer: obtains from such a person (i) a written certification certifying that the person has reviewed the definition of "accredited investor" in § 48-2-102(1), and certifying that such person meets the definition of "accredited investor" in § 48-2-102(1); (ii) obtains from such person such other information as the commissioner may by rule require; and (iii) maintains, for a period of not less than three (3) years from the date of sale, the written certification and other information required by the commissioner.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 4. Tennessee Code Annotated, Section 48-2-103(b)(6), is amended by deleting the language "subdivisions b(3) and (12)" from the first sentence of that subdivision and by substituting instead the language "subdivision b(3)".

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 914**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1620** -- Sunset Laws - Board of dispensing opticians, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 14. by \*Kernell, \*Cooper B, \*Brooks, \*Garrett. (\*SB51 by \*Harper, \*Person)

**Senate Amendment No. 2**

AMEND House Bill No. 1620 By adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 63-14-101, is amended by adding the following as a new subsection thereto, as follows:

(f) The board shall not discriminate in the issuance of any license pursuant to this chapter. Discrimination shall mean any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, creed, color, religion, sex, age or national origin.

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1620**, which motion prevailed by the following vote:

Ayes .....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Buck moved that the rules be suspended to re-refer **House Bill No. 333** from the House Committee on Calendar and Rules to the House Judiciary Committee and to be placed at the head of the House Judiciary Committee Calendar for Monday, May 14, 2001, which motion prevailed.

**RULES SUSPENDED**

Rep. Wood moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 333 out of order, which motion prevailed.

**House Joint Resolution No. 333** -- Naming and Designating - National Drinking Water Week, May 6-12, 2001. by \*Wood, \*Sharp, \*Clem, \*Vincent, \*Brown.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wood, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 231 out of order, which motion prevailed.

**Senate Joint Resolution No. 231** -- Naming and Designating - National Teacher Day, May 8, 2001. by \*McNally, \*Davis L, \*Williams, \*Graves.

On motion of Rep. Davidson, the resolution was concurred in.

A motion to reconsider was tabled.

**ANNOUNCEMENTS**

**MOTION TO RESET BILL**

Without objection, Rep. Davidson requested that **House Bill No. 1652**, placed on the Regular Calendar for Thursday, May 10, 2001, be reset for the Regular Calendar on Wednesday, May 16, 2001, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1334:** Rep(s). Boyer, Dunn, Clem, Odom, Kernell, Turner (Davidson) and Bowers as prime sponsor(s).

**House Bill No. 1356:** Rep(s). Davidson and Kisber as prime sponsor(s).

**House Bill No. 1466:** Rep(s). Todd, Hargett, Stanley, Kent, Cole (Carter) and Pleasant as prime sponsor(s).

**ENROLLED BILLS**

**May 9, 2001**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 79 and 80; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 9, 2001**

The Speaker signed the following: House Resolution(s) No(s). 79 and 80.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**May 9, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1994, without his signature.

JAY BALLARD, Counsel to the Governor.

**ENGROSSED BILLS**

**May 9, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 324, 339, 341, 342, 343, 344, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357 and 358.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 9, 2001**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 70, 409, 525, 1691, 1999, also, House Joint Resolution(s) No(s). 333.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 219; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 219** -- Naming and Designating - Names elevated portion on south side of press suite in Legislative Plaza "Bill 'Rocky' Rawlins Press Room." by \*Cohen, \*Henry, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1309; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1177; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323 and 331; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1562; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 350, 351, 352, 353, 354, 355, 356 and 357; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 9, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 54, 188, 277, 527, 1013, 1113, 1232, 1467, 1575, 1716, 1810, 1867, 1881 and 1894; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 54** -- Sunset Laws - Board for licensing health care facilities, June 30, 2003. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by \*Harper. (HB925 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 188** -- Teachers, Principals and School Personnel - Provides that estimates of specific teacher effects and other TCAP test data be provided to teachers not later than five days from end of school year; later data not to be used in teacher evaluations. Amends TCA Section 49-1-606. by \*Haynes. (HB1127 by \*Davis (Cocke), \*Hargett)

**\*Senate Bill No. 277** -- Workers' Compensation - Changes total and permanent loss of mental faculties from scheduled member injury to injury to body as whole. Amends TCA Title 50, Chapter 6, Part 2. by \*Haynes. (HB786 by \*Briley, \*Pinion)

**\*Senate Bill No. 527** -- Pharmacy, Pharmacists - Provides for recoupment of payments made by health insurers and HMOs, including those participating in TennCare Program, to pharmacy services providers for care delivered to covered beneficiaries, insureds, or enrollees. Amends TCA Title 56 and Title 71. by \*McNally, \*Jackson. (HB542 by \*Rhinehart, \*Shepard)

**\*Senate Bill No. 1013** -- Tort Liability - Defines health care practitioner for purposes of governmental tort liability actions to mean licensed physicians and nurses. Amends TCA Title 29, Chapter 20. by \*Ramsey, \*McNally. (HB1555 by \*Jones U (Shelby), \*Miller L, \*Turner (Davidson), \*McDaniel, \*DeBerry J, \*Kent, \*Todd)

**\*Senate Bill No. 1113** -- Consumer Protection - Adds new unfair or deceptive practice of making representations in primary text of solicitation, promotion, advertisement, or other offering that is contradicted in disclosure that is inconspicuous, concealed, or otherwise obscure. Amends TCA Title 47, Chapter 18. by \*Herron. (HB1759 by \*Sands, \*Ridgeway, \*Pinion)

**\*Senate Bill No. 1232** -- TennCare - Proclaims intent of general assembly to stabilize TennCare, to work to assure that health care providers are timely paid, and to insure that health care facilities for urban and rural enrollees remain viable. Amends TCA Title 3; Title 33; Title 36; Title 37; Title 47; Title 56; Title 63; Title 68 and Title 71. by \*Cooper J. (HB1273 by \*Kisber)

**WEDNESDAY, MAY 9, 2001 – THIRTY-SIXTH LEGISLATIVE DAY**

**\*Senate Bill No. 1467** -- Telecommunications - Enacts "Lifeline/Link Up Services Act." Amends TCA Title 65, Chapter 23. by \*Dixon. (HB904 by \*Bowers)

**\*Senate Bill No. 1575** -- Controlled Substances - Makes gama hydroxybutyric acid Schedule I controlled substance and gama hydroxybutyric acid contained within FDA approved drug Schedule III; deletes both from Schedule IV; defines and makes criminal analogues of Schedule I or II controlled substance. Amends TCA Title 39, Chapter 13, Part 5 and Title 39, Chapter 17, Part 4. by \*McNally, \*Trail. (HB1259 by \*Shepard)

**\*Senate Bill No. 1716** -- Psychologists - Adds senior psychological examiner and certified psychological assistant as new levels of psychological practice for professional counselors, unauthorized practice of medicine, and insurance reimbursement. Amends TCA Title 33; Title 40; Title 56; Title 63 and Title 68. by \*McNally, \*Henry, \*Cooper J. (HB1598 by \*Arriola, \*McDonald, \*Lewis, \*Shepard, \*Overbey, \*Odom, \*Armstrong)

**\*Senate Bill No. 1810** -- Animals and Animal Cruelty - Creates Class E felony offense of aggravated cruelty to animals and establishes additional non-criminal punishment for violators. Amends TCA Title 39, Chapter 14, Part 2. by \*Cohen, \*Crutchfield, \*Person. (HB1716 by \*McMillan)

**Senate Bill No. 1867** -- Consumer Protection - Extends from four years to five years statute of repose for private civil actions for damages resulting from consumer protection act violation and makes such extension retroactive to private actions arising before effective date. Amends TCA Title 47, Chapter 18, Part 1 and Title 71, Chapter 6, Part 1. by \*Herron. ("HB1895 by \*Maddox, \*Pinion)

**Senate Bill No. 1881** -- Education - Increases from 25 to 100 number of teachers reimbursed for national certification fees; awards nationally certified teachers \$2,500 per year; specifies state, local, and federal funds to be used for preschool program purposes; establishes Teaching Scholars Award of Excellence Program. - TCA Title 49. by \*Rochelle, \*Atchley, \*Cooper J, \*Clabough, \*Williams, \*Dixon, \*Miller J, \*Ramsey. ("HB1921 by \*Whitson, \*Winningham, \*McDaniel, \*Head, \*Newton, \*McKee, \*Davis (Cocke), \*Towns, \*Cooper B)

**Senate Bill No. 1894** -- Insurance Companies, Agents, Brokers, Policies - Prohibits health maintenance organizations from advertising or soliciting with information that does not conform to any fact "material" to enrollees, instead of fact "significant" to enrollees; modifies date from March 1 to April 1 when certain persons associated with managed care organizations under TennCare must file disclosure statements with commissioner of health. - Titles 56, 67 and 71 of the TCA. by \*McNally. ("HB1926 by \*McDaniel)

**MESSAGE FROM THE SENATE**

**May 9, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 238, 239, 240, 241 and 242; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 238** -- Memorials, Academic Achievement - Clinton High School Mock Trial Team, State Champions. by \*McNally, \*Williams.

**WEDNESDAY, MAY 9, 2001 – THIRTY-SIXTH LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 239** -- Memorials, Congress - Urges fully funding federal commitment to Individual with Disabilities Education Act (IDEA). by \*McNally, \*Dixon, \*Graves, \*Williams.

**Senate Joint Resolution No. 240** -- Memorials, Professional Achievement - Cordia Wilkinson Harrington, Woman Business Owner of the Year. by \*Jackson, \*Blackburn.

**Senate Joint Resolution No. 241** -- Memorials, Public Service - Dr. Henry C. Lee, criminologist. by \*Jackson.

**Senate Joint Resolution No. 242** -- Memorials, Recognition - Ozle Lemuel Allen. by \*Cooper J, \*Haynes, \*Rochelle, \*Herron, \*Kyle, \*Cohen, \*Williams.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, May 10, 2001.